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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 11 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Murthy et al (US 2005/0079660).

Murthy (Fig. 7) discloses the forming of a semiconductor device comprising: an isolation region 26 located in a bulk silicon substrate 22 (par. [0026]); an NMOS device 20N located partially over a surface of the substrate; and a PMOS device 20P isolated from the NMOS device 20N by the isolation region 26 and located partially over the surface; wherein a first one of the NMOS and PMOS devices 20N/20P includes first source/drain regions 46N/P recessed within the surface (see Fig. 3 and par. [0030]); and wherein a second one of the NMOS and PMOS devices 20N/20P includes second source/drain regions 46N/P at least partially extending above the surface.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-7, 8-9, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murthy et al (US 2005/0079660) in view of Bohr et al (US 2004/0262683).

Regarding claims 5-7, Murthy does not disclose that one set of the first and second source/drain regions 46N/P comprise SiGe or SiC.

However, Bohr (fig. 6) teaches the forming of a semiconductor device, comprising: an isolation region 110 located in a substrate; an NMOS device 603 located partially over a surface of the substrate; and a PMOS device 604 isolated from the NMOS device 603 by the isolation region 110 and located partially over the surface, wherein a first one of the NMOS and PMOS devices includes first source/drain regions 470/480 recessed within the surface (see recesses 340 and 360 in Fig. 3) and comprising SiGe or SiC (par. [0024]). Accordingly, it would have been obvious to use SiGe or SiC as a material for at least one set of the first and second source/drain regions 46N/P of Murthy because as taught by Bohr, such materials would create a strain in the channel region of the transistor (par. [0024]), and that strained channel region would increase movement of electrons in NMOS device channel and to increase movement of positive charged holes in PMOS device channel (par. [0002]).

Regarding claims 8-9 and 12, Bohr's Fig. 6 further teaches that the substrate is a bulk silicon substrate having a <110> or <100> crystal orientation (par. [0027], last 5 lines), and the first source/drain regions 470/480 comprises strained source/drain

regions at strain 494 (par. [0026]) for increase movement of positive charged holes in PMOS device channel (par. [0002]).

Regarding claim 15, Bohr also teaches an etch stop layer 663/664 (par. [0039], lines 1-6) located over the NMOS and PMOS devices (Fig. 6) for imparting a first stress in the first source/drain regions 470/480 and a second stress in the second source/drain regions 203, wherein the first and second stresses are substantially different in magnitude (par. [0039]).

5. Claims 2-4, 13-14, 16-22, 24-27, 28-33, 35-37 and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murthy et al and Bohr et al as applied to claims (1 and 44) above, and further in view of Dawson et al (US 5,963,803).

Regarding claims 2, 16, and 45, neither Murthy nor Bohr disclose the PMOS gate having a height greater than a height of the NMOS gate.

However, Dawson (Fig. 1H) teaches a CMOS device comprising: a PMOS gate 122 having a height greater than a height of an NMOS gate 126 (column 7, lines 4-6). Accordingly, it would have been obvious to modify the device of Murthy by forming the PMOS gate having a height greater than a height of the NMOS gate because the relatively high gate for the PMOS device would reduce boron penetration into active region, as taught by Dawson (column 4, lines 32-33).

Regarding claims 3-4, 17, 28, and 46, as discussed above, the combination of Murthy and Bohr substantially reads on the invention as claimed, except that it does not disclose that the spacers formed on opposing sides of the PMOS gate have a width greater than a width of the spacers formed on opposing sides of the NMOS gate.

However, Dawson (Fig. 1H) teaches a CMOS comprising the spacers 146 formed on opposing sides of the PMOS gate 122 and having a width greater than a width of the spacers 144 formed on opposing sides of the NMOS gate 126 (column 7, lines 4-6). Accordingly, it would have been obvious to modify the device of Murthy by forming the spacers formed on opposing sides of the PMOS gate having a width greater than a width of the spacers formed on opposing sides of the NMOS gate because the relative wide spacers for the PMOS device would offset the rapid diffusion of boron in the source/drain regions for the P-channel device during high temperature processing so that the source/drain regions for the NMOS and PMOS devices would have the desired sizes, as taught by Dawson (column 4, lines 32-40).

Regarding claims 13-14, 18-22, 24-26, 29-33, and 35-36, Bohr (fig. 6) further discloses that the substrate is a bulk silicon substrate having a $\langle 110 \rangle$ or $\langle 100 \rangle$ crystal orientation (par. [0027], last 5 lines), and the first source/drain regions 470/480 comprises strained source/drain regions made of SiGe or SiC (par. [0024]).

Regarding claims 27 and 37, Bohr also discloses an etch stop layer 663/664 (par. [0039], lines 1-6) located over the NMOS and PMOS devices (Fig. 6) for imparting a first stress in the first source/drain regions 470/480 and a second stress in the second source/drain regions 203, wherein the first and second stresses are different in magnitude (par. [0039]).

6. Claims 10, 23 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murthy et al and Bohr et al as applied to claims (16, 28) above, and further in view of Biebl et al (US 5,913,115).

Neither Murthy nor Bohr disclose that the substrate is a silicon-on-insulator substrate.

However, Biebl (Fig. 9) teaches the known feature of forming a PMOS 26 and an NMOS 28 on a surface of a bulk silicon substrate or on a surface of a silicon-on-insulator (SOI) substrate 21 (column 4, lines 45-47). Accordingly, it would have been obvious to modify the device of Murthy by forming the PMOS and NMOS transistors on an SOI substrate because such known SOI substrate would reduce the parasitic effects between the transistors and the substrate.

7. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murthy et al (US 2005/0079660) in view of Wu (US 6,194,258).

Murthy (Fig. 7) discloses the forming of a semiconductor device comprising: an isolation region 26 located in a bulk silicon substrate 22 (par. [0026]); an NMOS device 20N located partially over a surface of the substrate; and a PMOS device 20P isolated from the NMOS device 20N by the isolation region 26 and located partially over the surface; wherein a first one of the NMOS and PMOS devices 20N/20P includes first source/drain regions 46N/P recessed within the surface (see Fig. 3 and par. [0030]); and wherein a second one of the NMOS and PMOS devices 20N/20P includes second source/drain regions 46N/P at least partially extending above the surface.

Murthy does not specifically disclose a plurality of interconnects connecting to CMOS device.

However, Wu (Fig. 8) teaches the known feature of connecting a plurality of interconnects 16/18 to CMOS device 70/80. Accordingly, it would have been obvious to

provide a plurality of interconnects connecting one of the plurality of CMOS devices of Murthy because such interconnects connections are well known in the art for providing the electrical connections to the CMOS devices.

8. Claims 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murthy et al and Wu as applied to claim 47 above, and further in view of Dawson et al (US 5,963,803).

Regarding claim 48, Murthy does not disclose the PMOS gate having a height greater than a height of the NMOS gate.

However, Dawson (Fig. 1H) teaches a CMOS device comprising: a PMOS gate 122 having a height greater than a height of an NMOS gate 126 (column 7, lines 4-6). Accordingly, it would have been obvious to modify the device of Murthy by forming the PMOS gate having a height greater than a height of the NMOS gate because the relatively high gate for the PMOS device would reduce boron penetration into active region, as taught by Dawson (column 4, lines 32-33).

Regarding claim 49, Murthy does not disclose that the spacers formed on opposing sides of the PMOS gate have a width greater than a width of the spacers formed on opposing sides of the NMOS gate.

However, Dawson (Fig. 1H) teaches a CMOS comprising the spacers 146 formed on opposing sides of the PMOS gate 122 and having a width greater than a width of the spacers 144 formed on opposing sides of the NMOS gate 126 (column 7, lines 4-6). Accordingly, it would have been obvious to modify the device of Murthy by forming the spacers formed on opposing sides of the PMOS gate having a width greater

than a width of the spacers formed on opposing sides of the NMOS gate because the relative wide spacers for the PMOS device would offset the rapid diffusion of boron in the source/drain regions for the P-channel device during high temperature processing so that the source/drain regions for the NMOS and PMOS devices would have the desired sizes, as taught by Dawson (column 4, lines 32-40).

9. Claims 38-39 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeo et al (US 2004/0173815-previously cited) in view of Murthy et al (US 2005/0079660).

Regarding claims 38, Yeo (Fig. 6F) discloses a semiconductor device, comprising: an isolation region (not shown, see par. [0040]) located in a substrate 500; an NMOS device 5 (par. [0040], last 5 lines) located partially over a surface of the substrate 500; and a PMOS device (par. [0040], last 5 lines) located partially over the surface; wherein the NMOS device 5 includes first source/drain regions 505 located at least partially within the substrate 500 and comprising SiC (par. [0044], lines 22-26); and the PMOS device 5 includes second source/drain regions 505 located at least partially within the substrate 500 and comprising SiGe (par. [0044], lines 19-22).

Yeo does not disclose that both NMOS and PMOS devices 5 formed on a same substrate and isolated from each other by the isolation region.

However, Yeo further discloses that “silicon substrate 500 comprises a previously formed plurality of isolation regions (not shown) and previously defined plurality of device regions” (par. [0040]). Accordingly, it would have been obvious to form both NMOS and PMOS devices 5 on the same substrate 500 and to isolate from each other

by the isolation region in order to construct a well-known CMOS device structure, as taught by CMOS device shown in Fig. 7 of Murthy.

Regarding claims 39 and 42, Yeo (Fig. 6F) further discloses the first source/drain regions 505 of NMOS are recessed within the surface (also see Fig. 6D and par. [0043]) and the second source/drain regions 505 of PMOS are recessed within the surface and extend downward from the surface, and wherein at least one set of the first and second source/drain regions 505 comprises strained source/drain regions (par. [0040], last 5 lines).

10. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yeo et al and Murthy et al as applied to claim 38 above, and further in view of Bohr et al (US 2004/0262683).

Neither Yeo nor Murthy disclose an etch stop layer as claimed.

However, Bohr (Fig. 6) teaches an etch stop layer 663/664 (par. [0039], lines 1-6) located over the NMOS and PMOS devices for imparting a first stress in the first source/drain regions 470/480 and a second stress in the second source/drain regions 203, wherein the first and second stresses are different in magnitude (par. [0039]). Accordingly, it would have been obvious to form an etch stop layer over the NMOS and PMOS devices of Yeo because such forming of the etch stop layer would impart the stresses in the first and second source/drain regions, as taught by Bohr.

11. Claims 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeo et al and Murthy et al as applied to claim 38 above, and further in view of Dawson et al (US 5,963,803).

Regarding claim 40, neither Yeo nor Murthy disclose the PMOS gate 208 having a height greater than a height of an NMOS gate 208.

However, Dawson (Fig. 1H) teaches a CMOS device comprising: a PMOS gate 122 having a height greater than a height of an NMOS gate 126 (column 7, lines 4-6). Accordingly, it would have been obvious to modify the device of Yeo by forming the PMOS gate having a height greater than a height of the NMOS gate because the relatively high gate for the PMOS device would reduce boron penetration into active region, as taught by Dawson (column 4, lines 32-33).

Regarding claim 41, Yeo does not disclose that the spacers formed on opposing sides of the PMOS gate have a width greater than a width of the spacers formed on opposing sides of the NMOS gate.

However, Dawson (Fig. 1H) teaches a CMOS comprising the spacers 146 formed on opposing sides of the PMOS gate 122 and having a width greater than a width of the spacers 144 formed on opposing sides of the NMOS gate 126 (column 7, lines 4-6). Accordingly, it would have been obvious to modify the device of Yeo by forming the spacers formed on opposing sides of the PMOS gate having a width greater than a width of the spacers formed on opposing sides of the NMOS gate because the relative wide spacers for the PMOS device would offset the rapid diffusion of boron in the source/drain regions for the P-channel device during high temperature processing

so that the source/drain regions for the NMOS and PMOS would have the desired sizes, as taught by Dawson (column 4, lines 32-40).

Response to Arguments

12. In regard to the rejections as being anticipated or obvious over Murthy, Applicant argues that Fig. 7 of Murthy does not disclose that “a first one of the NMOS and PMOS devices includes first source/drain regions recessed within the surface” as claimed because the surfaces of the source/drain regions 46 N/P extending above the surface of the substrate 22.

It seems to be Applicant argues that source/drain regions must be **completely** recessed within the surface of the substrate. However, the limitation on which Applicant relies (i.e., **completely** recessed) is not stated in the claims. It is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. *Constant v. Advanced Micro-Devices Ins.*, 7 USPQ2d 1064.

Furthermore, it should be noted that claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 494F. 2d 1399, 181 USPQ 641 (CCPA 1974). Therefore, as broadly interpreted, Fig. 7 of Murthy does disclose “source/drain regions recessed within the surface” as claimed because each source/drain regions 46N/P having a portion formed “within” a recess 40 N/P of the substrate 22 (see recesses in Fig. 3).

In regard to the rejections of claims 38-39 and 40 under Yeo, Applicant argues that “Yeo also fails to teach one device having source/drains recessed within the

substrate and another device having source/drain regions extending above the substrate” (page 23 of remark).

This argument is not persuasive because the limitations having source/drain regions of one device recessed within the substrate and having source/drain regions of another device extending above the substrate are not claimed in claims 38 and 42.

Similarly, claim 39 is not claimed the second source/drain regions extend above from the surface as asserted by Applicant, but rather, it is claimed that “... the second source/drain regions extend from the surface”. Therefore, Yeo does suggest the invention as claimed because Yeo clearly teaches that the first source/drain regions 505 of NMOS are recessed within the surface (see Figs. 6D-6E and par. [0043]) and the second source/drain regions 505 of PMOS (par. 0040], last 5 lines) extend downward from the surface (see Fig. 6F).

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phat X. Cao whose telephone number is 571-272-1703. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on 571-272-1705. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. X. C./

/Phat X Cao/
Primary Examiner, Art Unit 2814

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